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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,185	07/20/2000	Harmut Droege	DE9-1999-004-US1	3897

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EXAMINER	
NALVEN, ANDREW L	
ART UNIT	**PAPER NUMBER**
2134	

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/620,185	DROEGE ET AL.	
	Examiner	Art Unit	
	Andrew L Nalven	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 July 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 July 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are pending.

2. Claim to foreign priority for 8/19/1999 acknowledged.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 6-7, 9-11, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Younger US Patent No. 4,874,935 in view of Daniel Kovacs' "Tutorial on Linked Lists". Younger discloses a smart card apparatus and method of programming the smart card.

5. With regards to claims 1, 9-10, and 15, Younger teaches the writing of at least one application descriptor for a chip card application to the data memory of the chip card (Younger, column 4 lines 4-14), the application descriptor comprising details of the memory address of a first personalization descriptor (Younger, column 4 lines 58-63 and Figure 3), the writing of at least one personalization descriptor to the data memory of the chip card (Younger, column 4 lines 13-41), the transmitting of personalizing data for a chip card application to the chip card (Younger, column 9 line 63 – column 10 line 11), the writing of the personalization data to the data memory of the chip card at the memory address indicated by the details of the application

descriptor (Younger, column 4 lines 13-41), and the transmitting of the details of the memory address of the next successive personalization descriptor taken from the first personalization descriptor to the application descriptor (Younger, column 4 lines 13-41), and the repetition of the steps of personalization for all of the personalizing data with has to be transmitted (Younger, column 10 lines 4-44). Younger fails to teach the personalization descriptor comprising details of the memory address of the next successive personalization descriptor. Kovacs teaches an object storing the details of the memory address of the next successive object (Kovacs, Page 1 Paragraph 1 and Figure 1). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Kovacs' method of storing the details of the memory addresses of successive objects because it offers the advantage of simple allocation and de-allocation within a data structure (Kovacs, Page 4).

6. With regards to claims 2 and 11, Younger as modified teaches the application descriptor including details assigning it to a particular chip card application (Younger, column 4 lines 4-30).

7. With regards to claims 3-4 and 13, Younger as modified teaches the personalization descriptor including details which define the characteristics of the personalizing data to be transmitted (Younger, column 4 lines 43-54) and the checking of the personalizing data transmitted to determine whether it satisfies the details and wherein the writing of the personalizing data to the data memory of the chip card only takes place if the details are satisfied (Younger, column 4 lines 48-54, column 5 lines 39-54, column 6 lines 15-24).

8. With regards to claim 4, Younger as modified teaches the checking of the personalizing data is checked against details of the personalization descriptor

9. With regards to claim 6, Younger as modified teaches the personalization descriptor including the length of the personalizing data (Younger, column 4 lines 48-54).

10. With regards to claim 7, Younger as modified teaches that the personalization descriptor includes security requirements that the personalizing data is required to meet (Younger, column 4 lines 48-54, column 5 lines 39-54, column 6 lines 15-24).

11. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Younger US Patent No. 4,874,935 and Daniel Kovacs' "Tutorial on Linked Lists" as applied to claims 1 and 10 above, and further in view of Inomata et al US Patent No. 5,438,679. Younger as modified teaches the application descriptor including a counter for the number of personalization records (Younger, column 4 lines 38-40). Younger as modified fails to teach the incrementing of the counter each time data is successfully entered into the memory. Inomata teaches the incrementing of a counter each time data is written to a memory device (Inomata, column 11 lines 7-12). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Inomata's incrementing write counter because it offers the advantage of maintaining a record of the number of writes made to the memory that would ensure the number of writes does not exceed the write count limit of a specific memory device (Inomata, column 1 lines 28-32).

12. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Younger US Patent No. 4,874,935 and Daniel Kovacs' "Tutorial on Linked Lists" as applied to

claims 1 and 10 above, and further in view of Chan et al US Patent No. 6,233,683. Younger as modified fails to teach using information included in the application descriptor to check the personalizing data. Chan teaches personalizing data being checked using information included in the application descriptor (Chan, column 12, lines 5-13). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Chan's checking method because it offers the advantage of allowing the loading of multiple applications even after the card is issued and provide a mechanism for management of the applications on the smart card (Chan, column 2 line 52 – column 3 line 4).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Tushie et al US Patent No 5,889,941 teaches a system and apparatus for smart card personalization.

15. Carper et al US Patent No. 6,390,374 teaches a system and method for installing/de-installing an application on a smart card.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven
ALN

MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137